

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 8, 1948

10:50 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry ; 5

Absent : None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Mrs. L. C. Banks came before the Council in the matter of her request previously submitted that the City cut down and remove the trees in front of her residence at 7th Street and West Avenue which she had killed. It was the sense of the Council that as Mrs. Banks was responsible for the destruction of said trees, it was her obligation to bear the expense of having same removed, the City to supervise the work of removal in order to protect the public from injury. The matter was then referred to the City Manager to work out the details .

Pursuant to published notice thereof, the public hearing on the application of Maurice Joyner and Lillian Joyner to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "B" Residence District to "C" Commercial District, to-wit:

Lot 1, Outlot 62, Division "B", Chernosky
Subdivision No. 6, in the City of Austin,
Travis County, Texas,

was duly opened.

The following appeared in favor of the change:

Maurice Joyner, proponent, who declared that he intends to build a store and a place of recreation for high school students and serve ice cream, soda water, etc., but no beer or liquor.

W. W. Stewart, Executive Director of the Housing Authority of the City of Austin, stated by telephone that the Housing Authority would have no objection to the change provided no beer or liquor were to be sold there.

The following appeared in opposition to the change:

Horace Shelton, Attorney, who presented a petition signed by a large number of property owners in the vicinity objecting to the change on the grounds that they are amply served by grocery stores now and want to keep this area residential.

All property owners or other interested citizens having been given an opportunity to be heard, action on the matter was deferred for an inspection of the property by the City Council.

Pursuant to published notice thereof, the public hearing on the application of Ben H. Powell, Mrs. Ellen C. Wagner, E. R. Spradling, Elizabeth Young, Fannie McMutt, by Stanford Payne, Agent, and E. F. Collins to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

Property on the east side of Airport Boulevard
from East 50th Street to East 53rd Street, in
the City of Austin, Travis County, Texas,

was duly opened.

The following appeared in favor of the change:

Judge Ben H. Powell, who declared that he intends to build a gasoline filling station on his property fronting Airport Boulevard and extending back approximately 208 feet on East 53rd Street; that this is necessarily commercial property, and that the change will increase, rather than decrease, the value of surrounding property.

D. F. Collins, who stated that he owns the property at the southwest corner of Airport Boulevard and East 51st Street and plans to erect a building there that will take care of a large grocery store, drug store, and doctor and dentist offices; that there is a definite need for those types of business; that the property facing the railroad as it does makes it undesirable for residential purposes and the only value to him is for commercial use; and that it would be an advantage, rather than a detriment, to the community to have that service.

S. R. Fulmore, Agent.

The following appeared in opposition to the change:

Mrs. W. H. Lyons, who declared that she built her home there before the boulevard was built and it was not her fault that the boulevard was there; that she built there for a home and not for commercial purposes ; and that the change would be detrimental to her property and the safety pertaining to a home, but that if the change is granted she wanted her property included also as it would be ruined for a home.

T. E. Thiele, who declared that it would hinder the growth of the community to have commercial zoning because 99% of the people built their homes for use as a home and do not want encroachment of commercial zoning; that the community is now served by a grocery store, beauty shop, and filling station; and that a commercial zone would increase traffic, making it dangerous to the children of the near-by school.

All property owners or other interested citizens having been given an opportunity to be heard, Councilman Johnson moved that the hearing be closed and the action of the Board of Adjustment be sustained and the change be granted, subject to the conditions expressed in the recommendations of said Board; and the City Attorney be instructed to prepare the necessary ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Pursuant to published notice thereof, the public hearing on the application of M. H. Helford to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

Portion of Outlot 17, Division "A", Pipkin Addition, being located at the northeast corner of East 7th and Gunter Streets, in the City of Austin, Travis County, Texas,

was duly opened.

The following appeared in favor of the change:

M. H. Helford, proponent, who stated that he intends to build a filling station on the property.

D. M. Branton, Mr. Wilkerson, and two other property owners, who stated that they were in favor of the change.

The following appeared in opposition to the change:

None.

All property owners or other interested citizens having been given an opportunity to be heard, the matter was then taken under advisement by the Council for an inspection of the property.

Pursuant to published notice thereof, the public hearing on the application of N. E. Colecom and D. C. Bradford to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-1" Commercial District, to-wit:

72/100 of an acre of land, fronting 200 feet on Lamar Boulevard and 193 feet on Fredericksburg Road, being approximately 283 feet north of Butler Road and south of the J. C. Powell tract, in the City of Austin, Travis County, Texas,

was duly opened.

The following appeared in favor of the change:

N. E. Colecom, lessee of the property and owner of the Casserole Kitchen located on same, who declared that the change was being asked for in order to accommodate many of his customers who liked beer with their food, but that the main business of his place was to sell food; that there are two entrances to his place of business where customers will drive through, thus eliminating traffic congestion.

The following appeared in opposition to the change:

J. C. Powell, who presented a petition bearing ninety signatures asking that the Casserole Kitchen located at 303 South Lamar Boulevard be restricted from handling liquor and beer, and pleaded that the change be not granted on the grounds that the Zoning Board recommended against the change to "C-1" a few months ago, but recently when the matter was brought before it again reversed its decision while he was out of the City and did not have an opportunity to appear and protest the matter; that should beer be allowed to be sold on these premises it would necessitate the drinking of same by the parties while in their cars as the Casserole Kitchen is only large enough for the cooking of food and as the property adjoins his residence property, the drinking of beer in full view would be objectionable to the welfare and quietness of his home; that there is no beer being sold on South Lamar Boulevard; and that it is not necessary, as proponent claims, that he sell beer in order to get enough revenue from the property to pay the taxes as his, the said Powell's, taxes are as high as proponent's are.

Mrs. J. C. Powell, who declared that she did not want to have to live near a beer joint; and that she thinks Lamar Boulevard should be one boulevard coming into the City that does not have beer joints.

Reverend J. Virgil Davis, who presented a petition bearing sixty names, representative of the citizens of the City, protesting the change.

Mrs. Ed Renker, who presented a petition bearing eight signatures of property owners living on Lamar Boulevard between 6th and 10th Streets, protesting the sale of alcohol on Lamar Boulevard and declaring that the Casserole Kitchen is making a splendid success without the selling of alcohol.

Mrs. Lawrence Stevenson, who presented a petition bearing approximately three hundred and ninety-eight signatures, asking that the sale of alcohol be not permitted at 303 South Lamar Boulevard; that it would increase the traffic, especially to the children's playground near this location.

All property owners or other interested citizens present having been given an opportunity to be heard, action on the matter was postponed to the next regular meeting in order that D. C. Bradford, proponent might be heard.

Joe Edgar, J. A. Shelby, and W. P. Matthews came before the Council and requested that South 5th Street from Herndon Lane to the street north of Oltorf Street be opened. The matter was referred to the City Manager and the City Engineer for consideration and recommendation.

The following memorandum was submitted by the City Manager:

" January 7, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

The final subdivision plat of Inwood Park has been completed and was approved by the City Plan Commission on November 13, 1947. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J. E. Motheral

Approved:

(Sgd) Guiton Morgan
City Manager

Councilman Thornberry then offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Inwood Park", approved by the City Plan Commission of the City of Austin on November 13, 1947, be and the same is hereby accepted and authorized to be filed on record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following memorandum was submitted by the City Manager:

January 8, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

The final subdivision plat of Pearson Subdivision has been completed and was approved by the City Plan Commission on December 11, 1947. We have memoranda from water, sewer, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations. We are advised by the Director of Utilities that no gas is available at this location.

It is recommended that this plat be formally accepted by the City Council.

Approved:

(Sgd) Guiton Morgan
City Manager

Councilman Thornberry then offered the following resolution, and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Pearson Subdivision", approved by the City Plan Commission of the City of Austin on December 11, 1947, be and the same is hereby accepted and authorized to be filed on record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of Morris Gerhardt for change in zoning, from "A" Residence District to "B" Residence District, of property located at 2804 Rio Grande Street was received, and Councilman Bartholomew moved that

the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of Henry L. P. Phillips for change in zoning, from "A" Residence District to "B" Residence District, of property located at 2806 Rio Grande Street was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of H. G. Linscomb, by David J. Pickle, Attorney, for change in zoning, from "A" Residence District to "D" Industrial District, of property located north of Lyons Street between Cherico and Gunter Streets, was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of Mrs. W. H. Lyons for change in zoning, from "A" Residence District to "C" Commercial District, of Lot 9, Block B, Ridgetop Addition, located on East 53rd Street approximately 208 feet east of Airport Boulevard, was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of Frank Reiger, Jr., by Emmett Shelton, Attorney, for change in zoning, from "A" Residence District to "C" Commercial District, of Lots 1 and 2, Block 1, Theo Lowe Heights, located at the northwest intersection of 29th Street with San Gabriel and Lamar Boulevard, was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

It was moved by Councilman Thornberry that a public hearing on the application of William A. Trenckmann, Attorney for the property owners, for change in zoning, from "A" Residence District to "C" Commercial District, of property located between Cedar Avenue and Singleton Street and East 18th and East 19th Streets, being Block 2, Glenwood Addition, be called for Thursday, January 29, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

January 7, 1948

Honorable Mayor and City Council
City of Austin
Austin, Texas

Gentlemen:

At a meeting of the Board of Adjustment on Tuesday, January 6, 1948, Mr. Hardy Hollers, Attorney for Mr. C. B. Smith, discussed the matter of zoning on property located on the south side of East 5th Street west of Springdale Road and the possibility of getting this property changed to a "D" Industrial District. The property was recently purchased by Mr. Smith for the purpose of establishing an industrial development and with the understanding that it was located in the existing "D" Industrial District on which a sausage manufacturing plant is now located, but an examination of the deed shows the location to be immediately east of and adjoining the industrial property.

On August 14, 1945, the Board recommended to the City Council that a large area in this section of the City be zoned "D" Industrial to provide locations for new industries which might be interested in locating in Austin since the existing industrial zones were not adequate to provide for natural industrial development. Due to the fact that the property in question is located in this area and the Board is still of the same opinion, it is now recommended that the present industrial zone on which the sausage plant is located be extended to the eastward to include the property owned by Mr. Smith and now requested to be changed.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

Councilman Johnson moved that a public hearing on the above application be called for Thursday, January 29, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : Edward Wendlandt

I. Referred to the Board by the City Council on : December 18, 1947

II. Property affected:

Lot 1, Block 2, Outlot 76, Division "D", Buddington Subdivision,
being located west of Guadalupe Street between Maiden Lane and
West 37th Street

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on: December 30, 1947

V. Parties appearing:

For : None

Against: None

VI. Action of the Board: Change not recommended.

For the following reasons:

1. This application is for the change of one lot which is west of and across the alley from the present commercial zone along Guadalupe Street, and is a through lot between West 37th Street and Maiden Lane, the change being requested for the purpose of operating a print shop on the property.
2. This lot and other residence lots to the west are developed with existing residences at this time and any commercial development would have to face Maiden Lane, which is a narrow street, only 30 feet in width.
3. This change is not for the extension of the present commercial district but would be creating a new district facing on a side street and permitting business in a residential area and on residential streets.
4. The Board deemed that this change would be contrary to principles of zoning, would create a new commercial zone for the benefit of one property owner and not in response to public demand or necessity since there is still property in the commercial district which is undeveloped for that purpose, and would be the initial step in creating a commercial zone on a residential street which would be an incentive to other property owners to request similar changes, thus advancing a commercial district westward on this residential street.

(Sgd) H. F. Kuehne
Chairman. a

Councilman Bartholomew moved that a public hearing on the foregoing application be called for Thursday, January 29, 1948, at 11:00 A. M.

The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : Travis Hughes, by E. L. Bauknight.

I. Referred to the Board by the City Council on : December 18, 1947

II. Property affected:

The west 20 feet of Lots 38 to 43 and south one-half of Lot 37,
Block B, Murray Place, being located on the north side of
Zennia Street east of Georgetown Road.

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : December 30, 1947

V. Parties appearing:

For : E. L. Bauknight

Against: None

VI. Action of the Board : Change not recommended

For the following reasons:

1. This application is for a change of a strip of land 20 feet in width across the rear of six and one-half 20-foot lots, which strip is located between the present commercial district adjacent to Georgetown Road and the residence property adjacent to Hulsache Street, for the purpose of erecting a small office and Warehouse.
2. All of the remainder of property in this subdivision, with the exception of that fronting on Georgetown Road, is restricted to residential development, the appellant having secured a release from these restrictions from the subdivider to permit the proposed development on his property.
3. The requested change is not for the extension of the present

commercial district to permit a larger development along Georgetown Road but would be creating a new district facing on a side street and permitting business in a restricted residential area and on residential streets.

4. The Board deemed that this change would be contrary to all principles of zoning, and would be the initial step in creating a commercial zone on a residential street which would be an incentive to other property owners to request similar changes, thus advancing a commercial district eastward on this residential street which would be faced by a residential area on the opposite side of the street, the values of which would be adversely affected by this development and would deprive these property owners of the enjoyment of their residential lots and thus their residential character would be no longer protected and safeguarded.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Bartholomew moved that a public hearing on the above application for change in zoning be called for Thursday, January 29, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

#ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicants : Paul Jones, for Miss Nellie Lea Brown, and Ben Lockhart,
et al

I. Referred to the Board by the City Council on : December 18, 1947

II. Property affected:

Lots 3 and 4, Block 16, Moore and Sparks Resubdivision, being located at the northwest corner of East 32nd and Grooms Streets; Lots 10-16, Block 17, and Lots 7-14, Block 18, Grooms Addition, being located on the north and south sides of East 33rd Street between Grooms Street and Tom Green Street.

III. To be changed

From : "A" Residence District

To : "B" Residence District

IV. Considered by the Board on : December 30, 1947

V. Parties appearing:

For : Paul Jones, Harold Legge, Miss Lydia Littman, and
Miss Mary Lea Brown

Against: Mr. Kelton, for E. J. Hofheinz, Joe O. Prowse, John W. Young,
Mrs. John McCrary, Virgil Barnes, Mr. Wright, Mrs. B. E. Brown,
Mrs. Virtie Wilson, Mr. and Mrs. Arnold Romberg,
D. T. Morrison, S. G. Holden, for himself and Wm. F. Hutson,
Mr. and Mrs. J. W. Pritchett, and Mrs. Mary E. Peters.

VI. Action of the Board : Change not recommended as requested.

For the following reasons:

1. These applications are for change of property on the north and south sides of East 33rd Street between Grooms and Tom Green Streets and two lots at the northeast corner of East 32nd and Grooms Streets from "A" Residence District to "B" Residence District.
2. At the hearing held by the Board, the petition was amended to change the district from "A" Residence to "B-1" Residence after the difference between the two districts for multi-family use was explained to the applicants and the effects of the change were clearly understood.
3. These changes will cover three separate tracts of land, one of which being a half-block bounded by streets and an alley, another opposite the former comprising all of a half-block, except one lot bounded by streets on three sides and by residential property on the fourth side, while the third tract comprises two lots unrelated to the former two on the corner of East 32nd and Grooms Streets in a residential district which is already developed for "A" Residence purposes on the majority of the property.
4. After careful deliberation, the Board does not recommend this change as applied for; however, it considers this area a good location for a "B-1" District and would recommend that the two entire blocks Nos. 17 and 18 be included in a change from "A" Residence District to "B-1" Residence District should the Council see fit to make any change in this area. The Board deems that this would not interfere with the residences that already exist there and which could be maintained as such, but would establish a larger area for a housing development which would well serve the University area and the City generally.
5. The Board definitely does not recommend a change of the northwest corner of East 32nd and Grooms Streets since this only comprises two lots and would be a small portion of a homogeneous residence area and would not be large enough for an extensive apartment development.

(Sgd) H. F. Kuehne
Chairman.

Councilman Bartholomew moved that a public hearing on the foregoing applications of Paul Jones, for Ben Lockhart; R. G. Mueller for the Steck Estate; Miss Lydia Littman; Paul Jones, agent for Miss Nellie Lea Brown; and Fred E. Goodridge for change in zoning be called for Thursday, January 29, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : J. R. Glasscock, by Ted Wendlandt

I. Referred to the Board by the City Council on : December 18, 1947.

II. Property affected:

East 119 feet of Lot 4, Block 4, Westfield "B", being located on the north side of Windsor Road between Forest Trail and Elton Lane.

III. To be changed:

From : "A" Residence District

To : "B-1" Residence District

IV. Considered by the Board on : December 30, 1947.

V. Parties appearing:

For : Ted Wendlandt

Against:None

VI. Action of the Board : Change not recommended

For the following reasons:

1. The original application requested a change to a "B" zone but the applicant asked permission to amend the petition to ask for a "B-1" zone.
2. This application is for a change of a lot approximately 119'x200' in size to permit the erection of a four-unit apartment house, the applicant affirming that it is now possible to erect two duplexes and two single-family residences on the property but it was his opinion that the four-unit building would be more desirable than this permitted development.

3. This property is located in an area which is developed with substantial homes and to change this property would be creating a spot "B-1" District to give the applicant privileges now denied other property owners in the neighborhood.
4. The Board deemed that to grant this change would be creating an undesirable spot zone unless other property in the block is also changed, and that the application is for the benefit of one property owner and not in response to any general demand or necessity since only one lot is included, and that the denial of this change does not prevent the owner from the legal use of his property for the construction of dwelling units for residential purposes.

(Sgd) H. F. Kuehne
Chairman.

Councilman Bartholomew moved that a public hearing on the foregoing application for change in zoning be called for Thursday, January 29, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED:
"AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED
'AN ORDINANCE REGULATING THE OPERATION OF TAXICABS AND
TAXICAB DRIVERS IN THE CITY OF AUSTIN UNDER THE DIRECTOR
OF PUBLIC SAFETY; PRESCRIBING LICENSE FEES FOR TAXICABS
AND DRIVERS THEREOF; LICENSING AND REGULATING TAXICAB
TERMINAL OPERATORS; PRESCRIBING PENALTIES FOR VIOLATION
OF THE ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING
CONFLICTING ORDINANCES, EXCEPTING CERTAIN JITNEY ORDI-
NANCES; AND DECLARING AN EMERGENCY," PASSED BY THE CITY
COUNCIL OF THE CITY OF AUSTIN DECEMBER 15, 1938, AND
RECORDED IN ORDINANCE BOOK "K", PAGES 440-452, AS AMENDED,
BY AMENDING SECTION 11 TO PROVIDE AN ANNUAL PERMIT FEE
OF \$36.00 ON EVERY TAXICAB OPERATED IN THE CITY OF AUSTIN,
THE FIRST SUCH FEE TO BE COLLECTIBLE ON OR BEFORE OCTOBER 1,
1947, FOR THE REMAINDER OF THE CALENDAR YEAR OF 1947; AND
DECLARING AN EMERGENCY," WHICH WAS PASSED BY THE CITY
COUNCIL SEPTEMBER 11, 1947, RECORDED IN ORDINANCE BOOK "M",
PAGES 630-633, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE
CITY OF AUSTIN, BY ADDING SUBSECTION 11(e) TO PROVIDE FOR
QUARTERLY PAYMENTS OF PERMIT FEES FOR THE YEAR 1948; AND
DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF AUSTIN TO INCLUDE THEREIN THE PROPERTY EMBRACED IN CERTAIN ORDINANCES ANNEXING ADDITIONAL TERRITORY TO THE CITY OF AUSTIN PASSED BY THE CITY COUNCIL DECEMBER 24, 1947, BEING 124.56 ACRES OF LAND, BEING A PORTION OF THE THOMAS HAWKINS SURVEY, THE THOMAS HARRELSON SURVEY, PORTIONS OF OUTLOTS 27 AND 50, DIVISION B, AND ALSO PORTIONS OF OUTLOTS 32, 34, AND 35, DIVISION C, OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TEXAS, AND 10.12 ACRES OF LAND, BEING A PORTION OF THE ISAAC DECKER LEAGUE, ALL IN TRAVIS COUNTY, TEXAS, AND ZONING SUCH LANDS AND TERRITORY AS "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Inwood Development Company for the laying of certain water mains and sanitary sewer mains in Inwood Place, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and INWOOD DEVELOPMENT COMPANY, a partnership, of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer, WITNESSETH:

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

Six-inch (6") cast iron water main in Wayside Drive from the north side of the Subdivision to the south extremity, a distance of approximately 340'.

Four-inch (4") cast iron water main in Inwood Place, extending from Wayside Drive to the western extremity, a distance of approximately 210'.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes on the streets and easements at the locations described as follows:

Six-inch (6") sewer mains in Inwood Place, a distance of approximately 200'.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Two Thousand and Five Dollars (\$2,005.00) when completed, of which cost the sum of Thirteen Hundred and Fifty-five Dollars (\$1,355.00) is estimated to be the cost of the water lines and the sum of

Six Hundred and Fifty Dollars (\$650.00) is estimated to be the cost of the sewer lines; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Two Thousand and Five Dollars (\$2,005.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains and sewer lines described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a

direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V) even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and it at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Inwood Development Company has executed this the ____ day of _____, 19____.

CITY OF AUSTIN

By _____
City Manager

INWOOD DEVELOPMENT COMPANY

By _____
Harold M. Cadwallader,
Chairman. "

Attest:

City Clerk

By _____
Mrs. Diana Cole, Secretary-
Treasurer "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with FOREST S. PEARSON for the laying of certain water mains and other pipes in Pearson Subdivision, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and FOREST S. PEARSON, of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer, W I T N E S S E T H :

I.

The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

Six-inch (6") cast iron water main in Cumberland Road from South First Street to Stacy Lane, a distance of approximately 320'; in Stacy Lane from Cumberland Road to El Paso Street, a distance of approximately 400'.

Two-inch (2") cast iron water main in Stacy Lane from Cumberland Road to north limits of Pearson Subdivision.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Eighteen Hundred and Sixty-five Dollars (\$1865.00) when completed; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service to him, agrees to deposit the sum of Eighteen Hundred and Sixty-five Dollars (\$1865.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed, but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figures stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains, described above, for the period time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said water mains, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at anytime before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Forest S. Pearson has executed this the ____ day of _____, 1948.

CITY OF AUSTIN

By _____
City ManagerBy _____
Forest S. Pearson

Attest:

City Clerk_____
Director of Utilities_____
Director of Public Works_____
City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Hugh Reich Construction Company is the Contractor for the erection of a building located at 1118-A,B,C, West 6th Street, and desires a portion of the sidewalk space abutting Lot 18, Block B, of the Raymond Addition, in the City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Hugh Reich Construction Company, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 6th Street to a point 4 feet north of the north curb line; thence in a westerly direction and parallel with the centerline of West 6th Street approximately 50 feet to a point; thence in a northerly direction and at right angles to the centerline of West 6th Street to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Hugh Reich Construction Company, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the east, south, and west lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate, which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

(5) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(6) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(7) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(8) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than May 1, 1948.

(9) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(10) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(11) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Gillis, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, E. B. Snead is the Contractor for the alteration of a building located at 823 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 6, Block 97 of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used

in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said E. B. Snead, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a point 14 feet west of the east curb line; thence in a northerly direction and parallel to the centerline of Congress Avenue approximately 46 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the northwest corner of the above described property; thence in a northerly direction and at right angles to the centerline of East 9th Street to a point 14 feet north of the south curb line; thence in an easterly direction and parallel with the centerline of East 9th Street approximately 100 feet to a point; thence in a southerly direction and at right angles to the centerline of East 9th Street to the north line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said E. B. Snead, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted along the pavement within the walkway, and at any time in the opinion of the City officials, it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness, and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than May 1, 1948.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of CLEMMIE G. BROWN, 2605 Fredericksburg Road, for a license to operate as a taxicab a 4-door Kaiser Sedan, 1948 Model, Factory No. K481-00293, State License No. FX-458, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of LEE ALLEN JACKSON, 1101 South 3rd Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1947 Model, Factory No. BAA-157022, State License No. JC-3855, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of HARRELL M. JAMAR, Route 2, Box 163-B, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1946 Model, Engine No. DAA-296664, State License No. JA-6755, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of HARRELL M. JAMAR, Route 2, Box 163-B, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1946 Model, Engine No. DAA-471932, State License No. JA-6756, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of Herman OWENS, SR., 1311 West 6th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1946 Model, Engine No. DAA-150643, State License No. JB-8922, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of WILLARD L. PANWELL, 602 Academy Drive, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1941 Model, Special Deluxe, Motor No. AA-14043, State License No. JA-3573, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of ELVA V. GUENTZEL, 1905 Willow Street, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1941 Model, Engine No. F12-356480, State License No. 7935, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of ELMER JACKSON, Colored, 1206 East 13th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1940 Model, Motor No. B-125044, State License No. JB-3600, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of LUTHER GORDON DAY, 405 East 1st Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1946 Model, Motor No. DAA-102694, State License No. HX-4567, was submitted. Councilman Thornberry moved that applicant be granted a 90-days probationary license. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of GUY DIGBY, JR., 1105 Rose Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of WILEY CLELL McADOO, 1304 South 3rd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of HORACE N. COLEMAN, Colored, 1203 Cotton Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of HOWELL BUNTON, Colored, 1909 Rosewood Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Kenneth Lamkin, Colored, Attorney for James Lacey Crenshaw, Colored, came before the Council in the matter of his client's application for a taxicab driver's permit. Councilman Johnson moved that the said James Lacey Crenshaw, Colored, be granted a 90-days probationary taxicab driver's permit, and that he report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

LUTHER GORDON DAY, 405 East 1st Street, came before the Council on appeal from the revocation of his taxicab driver's permit, recommended by the Chief of Police. After considering the facts in the case, it was the sense of the Council that revocation of said permit be suspended for ninety days, or until the first violation of the rules.

The application of the FAMOUS CAFE, 514 Colorado Street, by Preston W. Elder, for a retail dealer's on-premise beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of the STEAMBOAT INN, 1112 East 11th Street, by Andrew Patton and A. R. Enochs, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of ZANZABAR NO. 2, by Morris Olguin, 1110 East 11th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of the REYES BAR NO. 3, 701 Chicon Street, by J. Pete and Lawrence Reyes, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of the ROSEBUD, 2142 East 7th Street, by Chester Goodman, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

It was moved by Councilman Thornberry that, upon the recommendation of the Chief of Police, the taxicab driver's permit, #1472, issued to MARCELLUS JAMES WASHINGTON be revoked. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

It was moved by Councilman Thornberry that, upon the recommendation of the Chief of Police, the taxicab driver's permit, #474, issued to HERMAN ERNEST WHITE, be revoked. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

It was moved by Councilman Thornberry that, upon the recommendation of the Chief of Police, the taxicab driver's permit, #1341, issued to LOUIS ROGERS TURNER, be revoked. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

It was moved by Councilman Johnson that, upon the recommendation of the Chief of Police, the taxicab driver's permit, #1434, issued to HAROLD BARNARD, be revoked. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

It was moved by Councilman Johnson that, upon the recommendation of the Chief of Police, the taxicab driver's permit, #1228, issued to DAN ELI RADNER, be revoked. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None.

The following application for a private boat license, duly approved by the Navigation Board, was submitted:

<u>Name of Owner</u>	<u>Description</u>
Mansbendel, Peter, 3824 Avenue F	Chris-Craft, Inboard Runabout, 1948 Model, 6-passenger

Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING THAT PORTION OF EILERS AVENUE RUNNING NORTHERLY FROM EAST 53RD STREET TO THE RIGHT OF WAY LINE OF THE H. & T. C. RAILROAD (Llano Branch) BUT RETAINING IN SAID VACATED STREET AN EASEMENT FOR ALL UTILITY PURPOSES; AND SUSPENDING THE ORDINANCE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS .

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Bartholomew moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved:

Tom Miller.
MAYOR

Attest:

Helen McKeen

CITY CLERK